



MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET, Room 5-189  
NEW YORK, NY 10007

JERALD HOROWITZ  
Senior Counsel

Tel: (212) 442-0589  
Fax: (212) 791-9714  
email: jhorowitz@law.nyc.gov

August 3, 2007

**BY ECF AND TELECOPY**

Hon. John G. Koeltl  
United States District Court Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

*The plaintiffs' submission was  
in fact unauthorized. Permission  
to file sur-reply papers should  
have been sought before making  
any such submission.  
Now that the submission has*

Re: U.S.A. Baseball, et al. v. City of New York,  
07 Civ. 3605 (JGK)(DFE)

Your Honor:

*been made, the City may  
submit any response by  
August 8. No further papers are  
to be submitted. So ordered.*

We write to respectfully request that plaintiffs' submission today of a letter brief and two additional declarations, be stricken. This submission attempts to reargue matters that were already fully presented to the Court at oral argument on August 1, 2007. Moreover, the Court did not request additional briefing from the plaintiffs. The plaintiffs' continued effort to have this Court second guess the City's policy decision should not be countenanced. Accordingly, the submission should be stricken from consideration, or alternatively, the City requests until August 8, 2007 to respond.

Respectfully submitted,

Jerald Horowitz (JH8395)  
Assistant Corporation Counsel

Cc: John F. Collins, Esq.